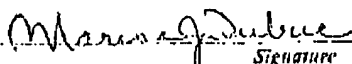


TRANSMITTAL OF APPEAL BRIEF (Large Entity)					Docket No. YOR920010146US1	
In Re Application Of: Michael Georg Pauliks, et al.						
Application No. 09/922,058	Filing Date 08/03/2001	Examiner C. Truong	Customer No. 48915	Group Art Unit 2172	Confirmation No. 7585	
Invention: METHOD AND SYSTEM FOR MASTER PLANNING PRIORITY ASSIGNMENT						
<p style="text-align: center;"><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on April 1, 2005</p> <p>The fee for filing this Appeal Brief is: \$500.00</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 40%;"><p> _____ Signature</p><p>Marisa J. Dubuc Registration No. 46,673 Cantor Colburn, LLP 55 Griffin Road South Bloomfield, CT 06002 Phone: 860-286-2929 Fax: 860-286-0115</p></div><div style="width: 40%; text-align: center;"><p>Dated: July 1, 2005</p><div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"><p>RECEIVED OIPE/IAP JUL 06 2005</p></div></div><div style="width: 15%; border: 1px solid black; padding: 5px; margin-top: 20px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>_____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div></div> <p>cc:</p>						

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHAEL GEORG PAULIJS, ET AL.)
Serial No.: 09/922,058) Before the Board
Filed: August 3, 2001) of Appeals
For: METHOD AND SYSTEM FOR MASTER) Appeal No.
PLANNING PRIORITY ASSIGNMENT)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

A Petition for Extension of Time (one month) is filed herewith.

THE REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines, Inc.
Ownership by International Business Machines, Inc. is established by assignment
document recorded for this application on August 3, 2001 on Reel 012073, Frame 0559.

RELATED APPEALS AND INFERENCES

Appellant knows of no related patent applications or patents under appeal or
interference proceeding.

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STATUS OF CLAIMS

Claims 6, 16, and 28 have been canceled. Claims 1-5, 7-15, 17-27 and 29-32
stand rejected. The rejections of claims 1-5, 7-15, 17-27 and 29-32 are herein appealed.

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STATUS OF AMENDMENTS

There have been no amendments filed subsequent to receipt of the final office action.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in each of the independent claims 1, 10, 11, 22, 23, and 32 involved in the appeal is provided below:

Claim 1

Claim 1 recites “[a] method for performing master planning priority assignment.”

The method comprising “creating at least one rule database” (referring to Figure 1, a rule database layout is shown; Figure 3, user interface option 312; page 9, lines 24-25; page 10, lines 26-29).

The method further comprising “assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field” (Figure 4, options 402 and 404; page 4, lines 7-9; page 5, lines 23-25; page 11, lines 1-5, 12-14, and 19-24; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising “selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field” (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising “querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field” (Figure 4; page 11, lines 11-14; Figure 5).

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The assigning a priority to a demand record further comprising "based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field" (Figure 4; Figure 5, options 506, 510, and 514).

Claim 10

Claim 10 recites "[a] method for master planning priority assignment."

The method comprising "creating at least one rule database" (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The method further comprising "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field" (Figure 4, options 402 and 404; page 4, lines 7-9; page 5, lines 23-25; page 11, lines 1-5 and 12-14; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising "selecting at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field" (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising "querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field" (Figure 4; page 11, lines 11-14; Figure 5).

The matching comprising "querying said at least one rule database for an explicit data match; if no said explicit data match exists querying said rule database for a hierarchy value match; and if no said explicit data match or said hierarchy value data

match exists querying said rule database for a wildcard match" (Figure 1; Figure 5; page 11, line 24-page 12, line 14).

The assigning a priority to a demand record further comprising "updating data in said demand record priority field with data from said corresponding rule database priority field" (Figure 4; Figure 5, options 506, 510, 514).

Claim 11

Claim 11 recites "[a] system for performing master planning priority assignment."

The system comprising "a storage device storing master planning priority assignment data" (Figure 2, storage device 208; page 8, lines 15-25; page 9, lines 5-9).

The system further comprising "a user system" (Figure 2, user systems 202; page 6, lines 12-14 and 18-24).

The system further comprising "a host system in communication with said storage device and said user systems, said host system implementing a process" (Figure 2, host system 204; page 6, lines 12-18; page 9, lines 2-5).

The process comprising "creating at least one rule database" (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The process further comprising "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field" (Figure 4, options 402 and 404; page 4, lines 7-9; page 5, lines 23-25; page 11, lines 1-5, 12-14, and 19-24; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising "selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field" (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising "querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field" (Figure 4; page 11, lines 11-14; Figure 5).

The assigning a priority to a demand record further comprising "based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field" (Figure 4; Figure 5, options 506, 510, and 514).

Claim 22

Claim 22 recites "[a] system for performing master planning priority assignment."

The system comprising "at least one rule database" (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The system further comprising "a storage device storing master planning priority assignment data associated with said at least one rule database" (Figure 2, storage device 208; page 8, lines 15-25; page 9, lines 5-9).

The system further comprising "a user system" (Figure 2, user systems 202; page 6, lines 12-14 and 18-24).

The system further comprising "a host system in communication with said storage device and said user systems, said host system implementing a process" (Figure 2, host system 204; page 6, lines 12-18; page 9, lines 2-5).

The process comprising "creating said at least one rule database" (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The process further comprising "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field" (Figure 4, options 402 and 404; page 4, lines 7-9; page 5, lines 23-25; page 11, lines 1-5, 12-14, and 19-24; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising "selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field" (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising "querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field" (Figure 4; page 11, lines 11-14; Figure 5).

The matching comprising "querying said at least one rule database for an explicit data match; if no said explicit data match exists querying said at least one rule database for a hierarchy value match; and if no said explicit data match or said hierarchy value data match exists querying said at least one rule database for a wildcard match" (Figure 1; Figure 5; page 11, line 24-page 12, line 14).

The assigning a priority to a demand record further comprising "based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field" (Figure 4; Figure 5, options 506, 510, and 514).

Claim 23

Claim 23 recites "[a] storage medium encoded with machine-readable computer program code for performing master planning priority assignment, the storage medium storing instructions for causing a host system to implement a method."

The method comprising "creating at least one rule database" (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The method further comprising "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field" (Figure 4, options 402 and 404; page 4, lines 7-29; page 5, lines 23-25; page 11, lines 1-5 and 12-14; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising "selecting at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field" (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising "querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field" (Figure 4; page 11, lines 11-14; Figure 5).

The matching comprising “querying said at least one rule database for an explicit data match; if no said explicit data match exists querying said rule database for a hierarchy value match; and if no said explicit data match or said hierarchy value data match exists querying said rule database for a wildcard match” (Figure 1; Figure 5; page 11, line 24-page 12, line 14).

The assigning a priority to a demand record further comprising “updating data in said demand record priority field with data from said corresponding rule database priority field” (Figure 4; Figure 5, options 506, 510, 514).

Claim 32

Claim 32 recites “[a] storage medium encoded with machine-readable computer program code for performing master planning priority assignment, the storage medium storing instructions for causing a host system to implement a method.”

The method comprising “creating at least one rule database” (Figure 1 illustrates a rule database layout; Figure 3, option 312; page 9, lines 24-25; page 10, lines 26-29).

The method further comprising “assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field” (Figure 4, options 402 and 404; page 4, lines 7-9; page 5, lines 23-25; page 11, lines 1-5 and 12-14; Figure 5; page 11, lines 19-24).

The assigning a priority to a demand record comprising “selecting at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field” (Figure 1; page 4, lines 5-16; page 9, lines 20-21).

The assigning a priority to a demand record further comprising “querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field” (Figure 4; page 11, lines 11-14; Figure 5).

The matching comprising “querying said at least one rule database for an explicit data match; if no said explicit data match exists querying said rule database for a hierarchy value match; and if no said explicit data match or said hierarchy value data match exists querying said rule database for a wildcard match” (Figure 1; Figure 5; page 11, line 24-page 12, line 14).

The assigning a priority to a demand record further comprising “updating data in said demand record priority field with data from said corresponding rule database priority field” (Figure 4; Figure 5, options 506, 510, 514).

The above exemplary embodiments are discussed with respect to the aforementioned independent claims by way of example only and are not intended to in any way limit the scope of these claims.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5, 7-15, 17-27, and 29-32 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Jenkins et al. The rejection of claims 1-5, 7-15, 17-27, and 29-32 as being allegedly unpatentable over Jenkins et al. is to be reviewed on appeal.

ARGUMENT

Claims 1-5, 7-15, 17-27, and 29-32 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Jenkins et al.

The Examiner states, with respect to claims 1 and 23, that Jenkins teaches "creating at least one rule database" citing page 11, left column, lines 32-52. The Examiner states that the planning component 210 recited in Jenkins "can recommend shipments in one of two modes: either unconstrained or constrained. For unconstrained mode, the user needs to define sourcing shipping quantities and then store this data in the database 600. Otherwise, for constrained mode, the user sets the following database components: sourcing, assign allocation, recommended shipments, and arrival calendars, set stock available duration and minimum allocation duration, assign location priorities, assign allocation strategies, and set push mode." The Examiner then states that "the created components database in the planning component 210 is represented as one rule database or the data in the database 600 is represented as one rule database."

The Examiner then states that Jenkins teaches "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field," citing Table 13 of page 23 of the Jenkins reference and concluding

that each item in Table 13 is a demand record and that "each item has priority field including the value of the field and the value of draw quantity field."

The Examiner then states that Jenkins goes on to teach that the priority assignment, as recited in claims 1 and 23, includes "selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field." In support, the Examiner references Table 3 and page 11, left column, lines 32-52 and page 13, left column, lines 22-30 of Jenkins and states "the planning component 210 creates recommended shipments when source stock is not limited within the minimum allocation duration by using following database components: sourcing, assign allocation, recommended shipments, and arrival calendars, set stock available duration and minimum allocation duration, assign location priorities, assign allocation strategies, and set push mode." The Examiner then states "in this table each demand record attribute field correlates to a rule database attribute field. For example, location field of demand record correlates to assign location field of component database. The above information indicates that at least one database component is selected." In addition, the Examiner references page 2, lines 1-25; page 17, lines 22-67, stating "the fulfillment 100 includes rules, which are assigned to each SKU in database 600. The database 600 has a list of SKU's, a minimum safety level for each SKU at each location field, demand type priority field. Each field in the fulfillment 100 corresponds to each item location field and demand type priority field."

Referring to Figure 1, Jenkins shows fulfillment server(s) 100 and database

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server(s) 600. Fulfillment server(s) 100 includes various modules associated therewith, including a distribution module 200 (which includes a planning component 210) and a deployment module 300. Jenkins is devoid of any teaching or suggestion of a demand priority database including a demand priority record. Moreover, Jenkins is devoid of teaching or suggesting a demand record attribute field that corresponds to a priority database attribute field. Referring to Table 13 and paragraph 0318, Jenkins teaches that through the deployment component 300 of the fulfillment system 100, a "user can specify potential alternates, or substitutes, for an item, and tell deployment to automatically ship the substitute when inventory of the original item runs out." The Examiner's statement that each item is a demand record is in error. Rather, at best the collective listing of items shown in Table 13 represents a single demand. As described in paragraph 0321, the substitution list "tells the system to use 100-00-001 if there is not enough 100-00-000 to meet the demand. The list then tells the system to use 100-00-002 if it is unable to use 100-00-001 to fulfill the unmet requires of 100-00-000, and so on." Each item therefore, is not an individual demand record, since there is only a demand for the specified quantity (Draw Quantity of 1.0) and the Priority field value tells the system to use the next item only if there is not enough of the requested quantity to meet the demand. In other words, there is only a demand for the specified quantity provided in the first item listed in Table 13. Since Jenkins does not teach a rule database, it logically follows that Jenkins does not teach creating a rule database as recited in Appellants' claims 1 and 23.

The Examiner's statement "in this table [Table 3], each demand record attribute field correlates to a rule database attribute field" is also in error. The Examiner

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introduces a second table, which does not correspond in any way to the alleged demand record (i.e., the line item of the Substitution List), on which he relies as support that such demand record is taught by Jenkins. In fact, the Table 3 described in Jenkins relates to a set of planned arrivals (paragraph 0193). The Appellants fail to appreciate how the Substitution List of Table 13 is combined with the planned arrival list of Table 3 to derive a demand record that includes a demand record attribute field which correlates to a rule database attribute field.

As recited in claims 1 and 23, two record types, namely a demand record and a rule database record are claimed. A rule database attribute field of the rule database correlates to the demand record attribute field of the demand record. Jenkins et al. is devoid of teaching any of these elements.

The Examiner acknowledges that Jenkins is devoid of teaching "querying said at least one rule database for a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field; based upon said querying, updating data in said demand record priority field with data from said corresponding rule database priority field". However, the Examiner states that Jenkins "teaches the user can specify potential alternates, or substitutes, for an item. The system 100 allows the user to track when substitution logic has recommended shipments of substitute items in a database to meet the demand of primary item. The primary demand includes Eff. Date, priority field." Citing Table 3, page 23, lines 39-40; and page 24, lines 7-56, the Examiner then states "when a substitute item meets the demand of primary item, it means that fields of substitute item match the fields of primary item." The

Examiner concludes that this indicates support for his contention that "the system queries the system 100 to retrieve substitutes items." In addition, the Examiner cites Figure 1, and page 27, lines 24-40 in support that the system includes a query to modify. The Appellants submit that, while the system of Jenkins may perform substitutions for alternate items, it does not logically follow that the substitution activities in any way include "at least one rule database" and "a corresponding rule database record that contains data in said rule database attribute field that matches data in said demand record attribute field." Accordingly, the Appellants submit that the Examiner's claim of obviousness with respect to the "querying" and the "updating" is in error. For at least these reasons, claims 1 and 23 patentably define over Jenkins et al.

Claims 2-5 and 7-9 should be patentable as depending from what should be an allowable independent claim. In addition, claims 24-27 and 29-31 should be patentable as depending from what should be an allowable independent claim.

Claims 2 and 24 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 2 and 24 recite, respectively, "wherein said data in said corresponding rule database attribute field contains an explicit value operable for specifying a priority to be given to a demand record; wherein said match occurs if said data in said demand record attribute field is contained within said explicit value." The Examiner cites Table 13, page 23; Table 3, page 23, lines 39-40; page 24, lines 7-56 in support of the rejections. However, Jenkins does not teach a rule database attribute field as indicated above with respect to claims 1 and 23. Consequently, it logically follows that Jenkins et al. does not teach an explicit value contained in the rule database attribute

field that is "operable for specifying a priority to be given to a demand record; wherein said match occurs if said data in said demand record attribute field is contained within said explicit value" as recited in claims 2 and 24. For at least these reasons, claims 2 and 24 patentably define over Jenkins et al.

Claims 3 and 25 should also be allowable as setting forth patentable subject matter in and of themselves. The Examiner concedes that with respect to claims 3 and 25, that Jenkins does not teach the claimed limitation "wherein said data in said corresponding rule database attribute field contains a hierarchy value operable for specifying a priority to be given to a hierarchy level defined within said rule database attribute field; wherein said match occurs if said data in said demand record attribute field is contained within said hierarchy value." However, the Examiner contends that Jenkins teaches that a user can specify potential alternates, or substitutes, for an item that includes substitution logic for recommending shipments of substitute items to meet the demand of a primary item. The Examiner further contends that Jenkins teaches that when a substitute item meets the demand of primary item, it means that fields of substitute item meets match the fields of primary item. The Examiner relies on this interpretation as evidence that the system of Jenkins et al. queries the system 100 to retrieve substitutes items, citing Table 13, page 23, lines 39-40; page 24, lines 7-56 in support.

The Examiner then applies this interpretation and alleges that it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Jenkins' teaching of allowing the user to track when substitution logic has recommended shipments of substitute items in a database to meet the demand of primary

item in order to avoid supply conflicts such as unexpected delays in production, by rerouting and reapplying resources. The Examiner's interpretation and assessment of the teachings of Jenkins et al. is clearly in error. The Table 13 relied upon by the Examiner relates to a single demand as represented by a single line item. All other line items represent substitute products available for this single demand. The product substitution (i.e., subsequent line items) may be executed upon the occurrence of a condition. By contrast, the limitations recited in claims 3 and 25 have no association with the application of substitutions for items listed in a single demand statement. For at least these reasons, claims 3 and 25 patentably define over Jenkins et al.

Claims 4 and 26 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 4 and 26 recite the limitation "wherein said data in said corresponding rule database attribute field contains a wildcard value operable for specifying a default priority value to be given to a hierarchy level defined with said rule database attribute field." Claims 4 and 26 further recite the limitation "wherein said data in said corresponding rule database attribute field contains a wildcard value operable for specifying a default priority value to be given to a hierarchy level defined with said rule database attribute field." The Examiner cites page 19, col. Left, lines 20-50 and page 12, lines 45-61 in support of the rejections. However, Jenkins is devoid of teaching a wildcard value. For at least these reasons, claims 4 and 26 patentably define over Jenkins et al.

Claims 5 and 27 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 5 and 27 recite, respectively, "wherein said demand

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record attribute field includes due date, customer, and demand type.” The Examiner cites page 23, col. Right, lines 15-60 in support. However, Jenkins does not teach a demand record attribute field as suggested by the Examiner. For at least these reasons, claims 5 and 27 patentably define over Jenkins et al.

Claims 7 and 29 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 7 and 29 recite, respectively, “updating said at least one record in said at least one rule database.” The Examiner relies upon page 25, lines 51-60 in support. However, Jenkins does not teach a rule database. For at least these reasons, claims 7 and 29 patentably define over Jenkins et al.

Claims 8 and 28 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 8 and 28 recite “creating said hierarchy value, said hierarchy value containing a hierarchy level.” The Examiner relies upon page 7, col. Right, lines 37-44 in support. The Examiner contends that Jenkins et al. teaches a hard expiration date is used with products that have a limited shelf life based on a date rather than a duration. The Examiner then states that this information shows that the system creates a hierarchy value. The Examiner’s interpretation of claims 8 and 28 is in error. The hierarchy value recited in claims 8 and 28 cannot be fairly equated to a time value (i.e., shelf life) as suggested by the Examiner. For at least these reasons, claims 8 and 28 patentably define over Jenkins et al.

Claims 9 and 29 should also be allowable as setting forth patentable subject matter in and of themselves. Claims 9 and 29 recite “creating said hierarchy value, said hierarchy value containing said explicit level.” The hierarchy value recited in claims 9

and 29 cannot be fairly equated to a time value (i.e., shelf life) as suggested by the Examiner. For at least these reasons, claims 9 and 29 patentably define over Jenkins et al.

Claim 11 recites "a storage device storing master planning priority assignment data; a user system; and a host system in communication with said storage device and said user systems, said host system implementing a process." The Examiner contends that Jenkins recites these elements, citing (Figure 1A-1B, page 2, col. Right, lines 1-34; page 5, col. Right, lines 30-33. The Examiner further contends that Jenkins recites the claimed limitation "creating at least one rule database" citing page 11, left column, lines 32-52. The Examiner states that the planning component 210 recited in Jenkins "can recommend shipments in one of two modes: either unconstrained or constrained. For unconstrained mode, the user needs to define sourcing shipping quantities and then store this data in the database 600. Otherwise, for constrained mode, the user sets the following database components: sourcing, assign allocation, recommended shipments, and arrival calendars, set stock available duration and minimum allocation duration, assign location priorities, assign allocation strategies, and set push mode." The Examiner then states that "the created components database in the planning component 210 is represented as one rule database or the data in the database 600 is represented as one rule database."

The Examiner then states that Jenkins teaches "assigning a priority to a demand record, said demand record containing a demand record attribute field and a demand record priority field," citing Table 13 of page 23 of the Jenkins reference and concluding that each item in Table 13 is a demand record and that "each item has priority field

including the value of the field and the value of draw quantity field.”

The Examiner then states that Jenkins goes on to teach that the priority assignment, as recited in claim 11, includes “selecting said at least one rule database, said at least one rule database including at least one record, a rule database attribute field that correlates to said demand record attribute field, and a rule database priority field.” In support, the Examiner references Table 3 and page 11, left column, lines 32-52 and page 13, left column, lines 22-30 of Jenkins and states “the planning component 210 creates recommended shipments when source stock is not limited within the minimum allocation duration by using following database components: sourcing, assign allocation, recommended shipments, and arrival calendars, set stock available duration and minimum allocation duration, assign location priorities, assign allocation strategies, and set push mode.” The Examiner then states “in this table each demand record attribute field correlates to a rule database attribute field. For example, location field of demand record correlates to assign location field of component database. The above information indicates that at least one database component is selected.” In addition, the Examiner references page 2, lines 1-25; page 17, lines 22-67, stating “the fulfillment 100 includes rules, which are assigned to each SKU in database 600. The database 600 has a list of SKU’s, a minimum safety level for each SKU at each location field, demand type priority field. Each field in the fulfillment 100 corresponds to each item location field and demand type priority field.”

Referring to Figure 1, Jenkins shows fulfillment server(s) 100 and database server(s) 600. Fulfillment server(s) 100 includes various modules associated therewith,

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including a distribution module 200 (which includes a planning component 210) and a deployment module 300. Jenkins is devoid of any teaching or suggestion of a demand priority database including a demand priority record. Moreover, Jenkins is devoid of teaching or suggesting a demand record attribute field that corresponds to a priority database attribute field. Referring to Table 13 and paragraph 0318, Jenkins teaches that through the deployment component 300 of the fulfillment system 100, a "user can specify potential alternates, or substitutes, for an item, and tell deployment to automatically ship the substitute when inventory of the original item runs out." The Examiner's statement that each item is a demand record is in error. Rather, at best the collective listing of items shown in Table 13 represents a single demand. As described in paragraph 0321, the substitution list "tells the system to use 100-00-001 if there is not enough 100-00-000 to meet the demand. The list then tells the system to use 100-00-002 if it is unable to use 100-00-001 to fulfill the unmet requires of 100-00-000, and so on." Each item therefore, is not an individual demand record, since there is only a demand for the specified quantity (Draw Quantity of 1.0) and the Priority field value tells the system to use the next item only if there is not enough of the requested quantity to meet the demand. In other words, there is only a demand for the specified quantity provided in the first item listed in Table

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